

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **February 14, 2006**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amend Section 27-4 Of The Lynchburg City Code Relating To Panhandling Within The Public Streets.**

RECOMMENDATION: Amend the City Code to prohibit panhandling in the public streets.

### SUMMARY:

The City Code prohibits individuals from panhandling in an aggressive manner. It also forbids panhandling near automatic teller machines, from private property without permission, and while entering traffic lanes to obtain money from vehicle occupants.

Unfortunately, another trend has surfaced that is creating a dangerous situation. People are now occupying the median areas and public rights-of-way adjacent to the public streets to panhandle from motorists. As drivers stop for traffic lights, individuals are soliciting money from motorists creating traffic concerns and opportunities for theft.

The medians were not designed for pedestrians; they are located at highly traveled intersections that experience a high number of traffic accidents. Many of these medians are only three feet wide, and those that are wider contain guardrails and/or drainage ditches.

The Police Department believes panhandling from the medians and public rights-of-way creates a dangerous situation. The Department recommends that Section 27-4 be amended to prohibit such activities.

### PRIOR ACTION(S):

The panhandling ordinance was last amended on November 14, 2000.

### FISCAL IMPACT:

N/A

### CONTACT(S):

Captain A.S. Thomas, L.P.D. (434) 455-6064

### ATTACHMENT(S):

An ordinance amending Section 27-4 of the City Code.

REVIEWED BY: lkp

AN ORDINANCE TO AMEND AND REENACT SECTION 27-4 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO PANHANDLING WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 27-4 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 27-4. Panhandling.

(a) Purpose. Pursuant to the authority granted to the city by the Code of Virginia and its general police powers, the city does hereby adopt the following section in order to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, to ensure free and safe access to public areas and to regulate the time, place and manner of activities that could otherwise threaten the public health, safety and welfare, while also protecting the exercise of citizens' First Amendment rights within the city.

(b) Definitions. The following words and phrases, when used in this section, shall have the following meanings:

(1) Aggressive manner means:

(i) approaching, speaking to or following a person in a manner that would cause a reasonable person to fear imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession;

(ii) touching another person without that person's consent;

(iii) intentionally blocking or interfering by any means with the free passage of a person; or

(iv) engaging in any conduct with the intention of intimidating another person into giving money or goods to any person.

(2) "Ask, beg, or solicit" includes the spoken, written, or printed word or such other act conducted for the purpose of obtaining an immediate donation of money or thing of value.

(3) Panhandle or panhandling means doing any of the following acts:

(i) begging, soliciting or asking for any items of value, monetary or otherwise;

(ii) attempting to sell or obtain compensation for an item or service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or

(iii) attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

(4) Public place means any street, sidewalk, alley, park, bridge, parking lot or other public property within the city, including any building or other structure, that is open to the general public;

(5) Travel lane means the portion of a public street over which motor vehicles travel.

(c) Prohibited acts. It shall be unlawful for any person while in the city:

(1) to ask, beg, or solicit money or things of value, in an aggressive manner in any place open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and gasoline service stations, and the grounds enclosing buildings.

(2) to panhandle in an aggressive manner in any public transportation vehicle, including busses and trains;

(3) to panhandle within 15 feet of any automatic teller machine; and

(4) to panhandle or, as a result of panhandling, to receive money or any other item of value, while standing or otherwise present in a travel lane, from any operator or occupant of a motor vehicle located in a travel lane.

(5) to ask, beg, or solicit money or things of value in exchange for cleaning motor vehicle windows while the vehicle is in traffic on a public street.

(6) to distribute newspapers, newsletters, flyers or any other items to the operator or occupant of a motor vehicle while the vehicle is in traffic on a public street.

(7) to ask, beg, or solicit money or things of value on private property or residential property, without permission from the owner or occupant.

(8) to ask, beg, or solicit money or things of value while standing, sitting, or otherwise occupying the median area that separates any public highway or street, or from any area designated as a crosswalk.

(9) to ask, beg, or solicit money or things of value from any operator or occupant of a motor vehicle while the motor vehicle is using the travel lane of a public highway or street.

(d) Any person convicted of violating this section shall be guilty of a class 3 misdemeanor.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

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Clerk of Council

016L